



U.S. Department
of Transportation

Federal Aviation
Administration

Great Lakes Region
Illinois, Indiana, Michigan,
Minnesota, North Dakota,
Ohio, South Dakota,
Wisconsin

2300 E Devon Avenue
Des Plaines, Illinois 60018

POLICY AND PROCEDURES MEMORANDUM - AIRPORTS DIVISION

NUMBER : 5100.1D

DATE : DEC 10 1992

SUBJECT : Sponsor Certification of Compliance, Section 509(d) of the Airport and Airway Improvement Act of 1982

CANCELLATION : PPM 5100.1C dated March 7, 1988

REFERENCE : 1. PL 100-223; Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987

2. Order 5100.38A, Airport Improvement Program Handbook, 10/24/89

3. PPM 5320.1E, General Processing of Modifications of Agency Airport Design and Construction Standards, 12/9/92.

4. AC 150/5370-10A, Standards for Specifying Construction of Airports, 2/17/89

5. Program Guidance Letter 91-1, Sponsor Certification, dated 10/10/90

APPENDICES : 1 - List of Requirements that may be Certified to Under Section 509(d)

2 - Typical Certification, Plans and Specifications

3 - Sample Certification, Projects Other than those Requiring Plans and Specifications

4 - Changes from PPM 5100.1C dated March 7, 1988

5 - Resolution of Comments (Internal Use Only)

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State Aviation Directors (for
information all through ADO)

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1. Background. Order 5100.38A provides general guidance regarding the acceptance of Sponsor certifications as to AIP project requirements. Such certifications are authorized by Section 509(d) of the Airport and Airway Improvement Act of 1982. This PPM is to clarify the provisions of the Order to ensure a uniform implementation by the Airports District Offices (ADO's).

Because of the success of programs involving the acceptance of certifications, the FAA does not believe it is a prudent investment of resources to spend time on detailed review of plans and specifications. Sponsors are requested to use the certification process to the maximum extent possible and priority will be provided to sponsors who utilize certifications; ADO's may also require such certification. If difficult design problems are encountered, in which FAA's advice may be helpful, they should be brought to the cognizant FAA Projects Manager's attention early in the design phase.

2. Policy/Procedures. Adequate design and timely project execution is the Sponsor's responsibility. The ADO shall require the sponsor of a project involving the Airport Improvement Program funding investments to certify that all proposed development is in accordance with FAA standards and requirements, and any FAA approved environmental finding. Certifications involving a matter of law, such as compliance with NEPA, Section 4.f of the DOT Act, Civil Rights requirements, and in certain other areas, may not be accepted (at this time). The standard assurances now used to cover these requirements will continue.

a. The FAA will not generally provide sponsors with a certification approval letter accepting the sponsor's certification. The issuance of the grant is FAA's action that approves the sponsor's application and certification(s) and approval letters are redundant. The FAA may, however, reject the sponsor's certification if appropriate. Unless a rejection letter is issued, the FAA accepts the sponsor's certification. The ADO's should keep AGL-610 informed of any issues that may become controversial as a result of a rejection letter.

b. The content of the appendices and the applicable regulations and laws will be discussed by the ADO with the sponsor, or sponsor's agent, early in the project formulation stage and prior to submission of a preapplication or at least prior to any programming action (Phase 2). Based upon the ADO's knowledge of the sponsor, the ADO shall advise the sponsor as to which

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certification(s) might be appropriate and/or which certification(s) the FAA will require on a specific grant.

c. The certification format like or similar to Appendices 2 or 3 should be used for all Sponsor submissions. It is possible that there will be more than one submission associated with a grant, each bearing a different date. If unique local condition(s) requires a modification of standards, the sponsor shall identify such condition(s) and request a "Modification of Standards" supported by justification. The ADO will act upon the request based on procedures in PPM 5320.1E, "General Processing of Modifications of Agency Design and Construction Standards," as amended, or current policy statements on PPM 5320.1E.

d. Acceptance of a certification may be rescinded or the certification rejected by the ADO when it is determined that (1) the sponsor has not complied with the requirement(s) of the certification, or (2) it appears that the Sponsor will be unable or unwilling to comply with requirement(s) of the certification. The requirements of FAR Part 13, Investigative and Enforcement Procedures should be followed if any action is to be taken to suspend a grant. The ADO should review those sponsor actions the ADO believes not to comply with regulations and/or standards. If not in substantial conformance, FAA participation may be disallowed. This action (disallowance) may not be taken without specific coordination with the Manager, Airports Division, AGL-600.

e. As a normal course of action, the sponsor has the ADO acceptance of the plans and specification on the basis of the sponsor's certification absent of any statements to the contrary, by the ADO. Acceptance letters for "Plans and Specifications" certification approval should not be written, unless it is necessary to write a letter to identify ineligible work included in the project and not previously identified by the sponsor. However the ADO should spot check projects, as required, to assure reasonable compliance with FAA standards and requirements. ADO's should randomly review at least three projects per year to assure control and acceptance criteria meet the standards in AC 150/5370-10A.


f. Adequate construction supervision, including inspection, review of test results, and general quality control, is the sponsor's responsibility. The FAA will be able to provide advice to sponsors in special situations, but in no instance shall this advice be construed as project decision making. Except as stated in paragraph 2.e., the FAA Project Managers will not make inspections, nor will they review test results, nor will they make inspections and reviews in unique situations. It is the sponsor's

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duty to analyze alternatives and make decisions regarding project problems. The ADO may require FAA form 5370-1, Construction Progress and Inspection Report, dated 8-89, on any sponsor construction project the ADO determines a report is necessary. Normally a report will not be required, examined, or filed. The ADO Manager shall report quarterly to the Manager, Airports Division, AGL-600 any projects for which these reports are being required and the justification for same. This reporting requirement will be reviewed after one year to ascertain if it may be dropped.

g. The sponsor is responsible for providing resident engineer services (construction supervision, including field inspection) and accepting the project work as meeting approved plans and specifications. The same holds true when the project consultant acts on the sponsor's behalf. It is the sponsor's financial responsibility to take any corrective action when the work does not meet grant agreement requirements.


W. Robert Billingsley
Manager, Airports Division

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Appendix 1

APPENDIX 1: LIST OF AREAS THAT MAY BE CERTIFIED
UNDER SECTION 509 (d)

1. Selection of Consultants....
2. Project Plans and Specifications....
3. Equipment/Construction Contracts....
4. Real Property Acquisition....
5. Construction Project Final Acceptance....

Refer to PGL 91-1 for the current exact wording requirement of the certification.

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Appendix 2

APPENDIX 2

TYPICAL SPONSOR CERTIFICATION OF PLANS AND SPECIFICATIONS

(NOTE: This certification may be in letter format and should be submitted timely as determined by the ADO. Modify, choose, and number paragraphs to suit individual situation.)

Subject: (Airport name, city, state)

Dear (Name):

Section 509(d) of the Airport and Airway Improvement Act of 1982, as amended (herein called the ACT), authorized the Secretary to require certification from sponsors that they will comply with statutory and administrative requirements. The following list of certified items includes major requirements for this aspect of project implementation. However, the list is not comprehensive, nor does it relieve sponsors from fully complying with all applicable statutory and administrative standards. Every certified item must be fully explained in an attachment to this certification. If the item is not applicable to this project, mark the item "N/A". General AIP standards are described in Advisory Circulars 150/5100-6, 150/5100-15, and 150-/5100-16. A list of current advisory circulars with specific standards for design or construction of airport equipment and facilities is referenced in Grant Assurance 34.

1. The plans and specifications (were) (will be) developed in accordance with all applicable Federal Standards and requirements, and no deviation from or modification to standards set forth in the advisory circulars (was) (will be) necessary other than those previously approved by FAA.

Yes _____ No _____ N/A _____

2. Specifications for the procurement of equipment (are not) (will not be) proprietary or written so as to restrict competition. At least two manufacturers can meet the specifications.

Yes _____ No _____ N/A _____

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3. The development (included) (to be included) in plans is depicted on an airport layout plan approved by FAA.

Yes _____ No _____ N/A _____

4. Development which is ineligible for AIP funding (has been) (will be) omitted from the plans and specifications.

Yes _____ No _____ N/A _____

5. Process control and acceptance tests required for the project by standards contained in Advisory Circular 150/5370-10 (are) (will be) included in the project specifications.

Yes _____ No _____ N/A _____

6. If a value engineering clause is incorporated into the contract, concurrence (was) (will be) obtained from FAA.

Yes _____ No _____ N/A _____

7. The plans and specifications (incorporate) (will incorporate) applicable requirements and recommendations set forth in the Federally-approved environmental finding.

Yes _____ No _____ N/A _____

8. For construction activities within or near aircraft operational areas the requirements contained in Advisory Circular 150/5370-2 (have been) (will be) discussed with FAA and incorporated into the specifications. A safety/phasing plan (has been) (will be) prepared, and FAA concurrence (has been) (will be) obtained, if required.

Yes _____ No _____ N/A _____

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9. The project (was) (will be) physically completed without Federal participation in cost due to errors or omissions in the plans and specifications which are foreseeable at the time of project design.

Yes _____ No _____ N/A _____

I certify that, for the project identified herein, the responses to the foregoing items are correct as marked, and that the attachments, if any, are correct and complete.

Signed: _____ Dated: _____
Sponsor's Authorized Representative

Typed Name and Title of Sponsor's Representative

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Appendix 3

APPENDIX 3. SAMPLE CERTIFICATION

(Projects in addition to those requiring plans and specifications)

Pursuant to current airport development grant-in-aid legislation, and as a condition to receiving any Federal financial assistance through a Grant Offer from the FAA for a proposed airport development project, Number _____, it is hereby certified that:

(Here list the requirements being certified to exactly as written in PGL 91-1, as amended, or current policy statements regarding PGL 91-1.)

(Signature)

Title of Sponsor Official authorized to submit the Application for Federal Assistance

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APPENDIX 4. - CHANGES FROM PPM 5100.1C DATED MARCH 7, 1988

1. Appendices 1 and 2 have been combined since certification is not dependent upon the pre-application or application phase of a project. This is also consistent with PGL 91-1.
2. New sample certification formats are provided in Appendices 2 and 3.
3. Certification does not have to reference a grant special condition.
4. Coordination with AGL-610 is recommended if a certification is to be rejected or rescinded or on items that may become controversial. (paragraph 2)
5. The ADO will act on a "Modification of Standard" based on current regional policy. Paragraph 2.c. is written in such a way that a change to this PPM is not needed every time there is a change in policy regarding "Modification of Standard".
6. The FAA will not review plans and specifications upon acceptance of certification. Plans and specifications approval letters will not be sent to the sponsor. (paragraph 2.e.)
7. The FAA role in a certification project is only advisory. Inspections will not generally be made and the sponsor is responsible for the quality of the job. (paragraph 2.g.)
8. The ADO should spot check three projects per year for conformance to FAA standards. (paragraph 2.e.)
9. The ADO will advise the sponsor what certifications are necessary for the project. Certifications will be used to the maximum extent possible. (paragraph 2.b.)